CHARTER

OF THE

HARRISBURG, PORTSMOUTH, MOUNTJOY

AND

LANCASTER

RAILROAD COMPANY.

PASSED JUNE 9, 1832:

SUPPLEMENTS, FEBRUARY 18, 1834; MARCH 7, 1835;

MARCH 1, 1837; AND MARCH 17, 1838.

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AN ACT

AUTHORIZING THE GOVERNOR TO INCORPORATE THE

PORTSMOUTH AND LANCASTER RAIL-ROAD COMPANY.

[Contained in one general act, No. 229, passed June 9, 1832; entitled "An Act authorizing the Governor to incorporate the Strasburg Rail-Road, the Williamsport and Elmira Rail-Road, the Marietta and Columbia Rail-Road, the Portsmouth and Lancaster Rail-Road, and incorporating a company to make the Oxford Rail-Road," commencing with Sec. 68, and ending with Sec. 89 of said general act.]

(*Sec.* 68)

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Thomas P. Cope, John White, Thomas Biddle, Mark Richards, John Hemphill, Joseph Sanderson, Francis Breuil, Benjamin W. Richards, Robert C. Martin, Thomas Roney, Lewis Ryan, Joseph Ray, John B. Swett, Harrison Locke and Levi Ellmaker, of the city of Philadelphia; George Fisher, Benjamin Jordan, Thomas M'Nair, Henry Smith, David M'Kibbin, William Carlisle, jr. Joseph Brestle, Martin Kendig, Doctor M. Brown, Joseph Ross, of the county of Dauphin; Colonel George Mayer, Frederick Hambright, Christian Ober, John Bender, Col. James Patterson, and Frederick Hipple, of the county of Lancaster, be, and they are hereby appointed Commissioners, to do and perform the several things hereinafter mentioned, that is to say, they, or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us, whose names are hereunto subscribed, do promise to pay to the directors of the Portsmouth and Lancaster rail-road Company, the sum of fifty dollars for every share of stock set opposite our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined

Names of Commissioners, to open books, &c.

Form of subscription.

Shares $50 each.

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and directed by the said directors, in pursuance of an act authorizing the Governor to incorporate the Portsmouth and Lancaster Rail-road Company. Witness our hands, the day of Anno Domini, one thousand eight hundred and thirty-two;" and shall thereupon give at least twenty days' previous notice, in two newspapers printed in the counties of Lancaster and Dauphin, and in two of the daily papers printed in the city of Philadelphia, of the times when, and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books, eight thousand shares, and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to require; but no subscription shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company.

Duties of Commissioners specified.

Whole No. of shares 8000.

$5 to be paid down upon each share.

(69.) Sec. 2. *And be it further enacted by the authority aforesaid*, That if more than eight thousand shares shall be subscribed, in the time specified in the preceding section, to the capital stock of the said company, the said commissioners, or a majority of them, shall reduce the subscription to eight thousand shares, by striking off from the largest number of shares in succession, until the subscriptions shall be reduced to eight thousand shares, or each of the subscriptions to one share, and if there shall be still an excess, then lots shall be drawn by the commissioners, to determine who shall be excluded.

Mode of equitable reduction in case of excess of subscription.

(70.) Sec. 3. *And be it further enacted by the authority aforesaid*, That when two thousand shares or more shall

be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style (and) title, of "The Portsmouth and Lancaster Rail-road Company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation; may sue and be sued, implead and be impleaded, in all courts of record and elsewhere; may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal, mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits, as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained, shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said rail-road, and to the conveyance of passengers, and the transportation of goods, merchandise, and commodities thereon.

Governor may issue patent upon subscription of 2000 sh's.

Corporate style.

Privileges & liabilities.

Proviso. Operations to be confined to specific objects of charter.

SEC. 4. *And be it further enacted by the authority aforesaid*, That for the management of the affairs of the said corporation, seven directors shall be elected by ballot annually by the stockholders of the said company, the votes to be delivered in person or by proxy duly author- (71.)

Annual election of directors.

ized, which directors shall appoint one of their own number to be President, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this Commonwealth, as may be necessary for the well ordering of the affairs of the said company:

Proviso. Directors must be stockholders. Each share to have one vote, &c.

Provided, That none but stockholders shall be eligible to be elected directors, that at every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and also that in all cases of elections for directors, the seven stockholders having the greatest number of votes, shall be declared duly elected.

(72.) Sec. 5. *And be it further enacted by the authority aforesaid*, That no share of stock shall be entitled to the right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears absolutely and bona fide, in his own right or in that of his wife, or for his sole use and benefit, or as executor, administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for the use and benefit of any other person; that no share or shares, held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting, and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

Of votes on transferred shares and by proxy.

Proviso.

(73.) Sec. 6. *And be it further enacted by the authority*

aforesaid, That the aforesaid commissioners, or a majority of them, shall as soon as practicable, after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the subscribers or stockholders to meet for the purpose of electing seven directors, as provided for in the preceding sections, and that annually thereafter the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy from death or resignation of any director, his place shall be filled by the board of directors.

Notice of provisional election of directors.

Time of annual election.

Proviso.

For cases of neglect or omission.

Vacancies.

(74.)

Sec. 7. *And be it further enacted by the authority aforesaid*, That the said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who in the absence of the president, may appoint a president pro tem.; the said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and shall demand and take adequate security for the performance of their respective trusts; they shall have full power to ascertain the time, manner and proportions, in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person failing to pay any instalment so required, to regulate tolls, to make such covenants, contracts and agreements, with any person, copartnership or body politic whatsoever, as the execution and management of the works, and the convenience and

Of the meetings of the directors.

Their general powers and duties.

interests of the company may require, and in general to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company.

(75.) Sec. 8. *And be it further enacted by the authority aforesaid*, That the directors first chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however to all the payments due and to grow due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws.

Certificates of stock.

Transferable.

(76.) Sec. 9. *And be it further enacted by the authority aforesaid*, That at each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Annual statement to stockholders.

Special meetings.

(77.) Sec. 10. *And be it further enacted by the authority aforesaid*, That the said company be, and they are hereby authorized, as soon as they conveniently can, to locate and construct a rail-road of one or more tracks from Portsmouth, by the shortest and best route, by the way of Mountjoy, to a convenient point on, and connecting with the Pennsylvania rail-road, at a point west of the city of Lancaster, and to make, construct and erect such warehouses, toll houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company, in the use of the said rail-road: *Provided*, that said rail-road shall not form any unnecessary obstruction to the free use and passage of the main street of said city:

Right to locate, construct & erect

Proviso. Not to obstruct main street.

And provided also, That said company shall not demand or receive toll for carriages unavoidably passing upon any part of said road within the bounds of said borough, except those constructed for said rail-road: *And provided further*, That in constructing the said rail-road, it shall not be lawful to approach within the distance of one mile from that part of the river Susquehanna, at or near the Conewago Falls, over which a bridge is authorized to be erected across the river, from York Haven to the Lancaster shore.

2d proviso. Toll within corporate limits. 3d proviso. Approximation to York Haven bridge

SEC. 11. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of the said rail-road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land, for the purpose of constructing said road.

(78.) Right of entry to locate and construct.

SEC. 12. *And be it further enacted by the authority aforesaid*, That when the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or where, by reason of legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, the court of Common Pleas for the proper county, on application thereto, by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter, and the sheriff, upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days'

(79.) Mode of ascertaining damages to land. Appointment of 12 viewers.

notice to the respective parties; and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation, "that he will faithfully, justly, and impartially value the land occupied or required for such rail-road or other works, and all damages which the owner or owners shall sustain or may have sustained, by reason of the construction of the said rail-road and other works, taking into consideration the advantages, as well as the disadvantages of the same, to the said owner or owners, according to the best of his skill and judgment," and in case of materials taken for the purpose aforesaid, "that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company, to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such rail-road and other works, to the said owner or owners, according to the best of his skill and judgment;" whereupon, the said persons shall proceed to view the lands so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff within five days thereafter, to the prothonotary of the said county, who shall file the same, and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the Orphan's court, for the valuation of lands of an intestate, under the intestate laws of this commonwealth: *Provided*, That if the proper officer of said company, at any time before application made by any person having sustained damage by reason of the construction of said rail-road, in the manner hereinbefore directed, shall tender to such person a sum of money, in full compensation for his damages, said company shall not be liable for costs on any subsequent proceedings, unless such person shall reco-

Their oaths.

Verdict and fees.

Proviso. How applicant for damages may be liable for costs.

ver a verdict more favourable than the previous tender of the said company.

(80.) Right of appeal from decision of jury.

Sec. 13. *And be it further enacted by the authority aforesaid*, That either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the court of Common Pleas of the proper county, who may either affirm or set aside the same, as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided*, That upon the subsequent proceedings, if the party excepting does not recover a verdict more favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Proviso. Liability of appellant to payment of costs.

(81.) Erection of public and private causeways.

Sec. 14. *And be it further enacted by the authority aforesaid*, That it shall be (the) duty of said company to construct and keep in repair good and sufficient passages across the said rail-road where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle, along the said roads, shall not be obstructed; and also, when the said rail-road shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm: *Provided*, That the owners of land through which said rail-road passes shall not be prevented from constructing crossing places over said rail-road, but to be such as are usually made by the company.

Proviso. Passages may be erected by individuals.

(82.) Road to be a highway.

Sec. 15. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road, the same shall be esteemed a public highway for the conveyance of passengers, and transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors, and it shall and may be lawful for the said company to demand and receive such sum or sums of money, for tolls of persons and property, as they shall from time to

Proviso. Rates of toll not to exceed a certain limit.

time think reasonable: *Provided*, That the toll on any species of property shall not exceed eight cents per ton per mile, nor upon passengers more than four cents each per mile.

(83.) Sec. 16. *And be it further enacted by the authority aforesaid*, That if any owner or driver of any car, carriage, wagon or conveyance, upon the said rail-road, shall pass by any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay, for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Car drivers liable to a penalty for passing toll houses without paying.

(84.) Sec. 17. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of net profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto shall be liable in their individual capacities, to the said company, for the amount of stock so divided; and each director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders at the declaring such dividend.

Semi-annual declaration of dividends.

Not to impair capital.

Directors may be liable.

(85.) Sec. 18. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued;

Suits for penalties must be commenced within one year from offence.

and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

(86.)

Persons doing wilful injury to the works of Co. liable to a penalty.

—And punishment.

Sec. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, or shall in any manner obstruct the free passage along the said rail-road, he, she or they shall forfeit and pay to the company three times the actual damage thereby sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the company, and shall also be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the said court.

(87.)

Certain time allowed to company to commence and complete road, &c.

Sec. 20. *And be it further enacted by the authority aforesaid*, That if the said company shall not commence the construction of said rail-road within the term of two years from the passage of this act, or within one year from the completion of the Philadelphia and Columbia rail-road, or if said company shall not complete their rail-road within the term of four years from its actual commencement, or if after the completion of the said rail-road, said corporation shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall be null and void, except so far as compels said company to make reparation for damages.

(88.)

Of the increase of the capital stock.

Sec. 21. *And be it further enacted by the authority aforesaid*, That if any increase of the capital stock be deemed necessary by the stockholders to complete the said rail-road, or to lay another track, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares so that they shall not in the whole exceed twelve thousand, and to receive and demand the moneys for shares

so subscribed, in like manner and under like penalties, as are hereinbefore provided for the original subscription, or shall be provided for by their by-laws.

(89.) Reservation of right to resume privileges and regulate tolls.

Sec. 22. *And be it further enacted by the authority aforesaid*, That if at any time said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to said company; and the legislature reserves the right to reduce and regulate the tolls hereby authorized.

JOHN LAPORTE,
Speaker of the House of Representatives.
J. R. BURDEN,
Speaker of the Senate.

Approved—The ninth day of June, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

A SUPPLEMENT

TO AN ACT INCORPORATING "THE PORTSMOUTH AND LANCASTER RAIL-ROAD COMPANY."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Jardon, Hezekiah Buzby, Henry Witmer and Cornelius S. Smith, of Philadelphia, William Cooper, John Latshaw and William Fricke, of Lancaster, Okey Hendrickson, William D. Slaymaker, James Laird, Samuel S. Patterson, Christian Hershey and Doctor Simon Meredith, of Mountjoy; George Wisler, sr., Philip Albert, sr. George Redsecker, jr. Adams Campbell, Andrew Wade, Esq. and Jacob Gish, of Elizabeth-town; Jacob M. Haldeman, Henry Walters, Michael Burke and Henry Buehler, of Harrisburg, be, and they are hereby appointed commissioners, in addition to those already appointed, to do and perform the several duties enjoined by the act to which this is a supplement, and having relation solely to the Portsmouth and Lancaster rail-road. Additional Commission's appointed.

SEC. 2. *And be it further enacted by the authority aforesaid,* The seventy-seventh section of the act to which this is a supplement, relating to the location of the said road, is hereby altered and supplied, so as to make the borough of Elizabeth-town a point in said road: *Provided,* The same can be done, in the opinion of the engineer and managers of said company, without injuring the location of said road materially. Elizabeth-town to be a point in said rail-road. Proviso.

WM. PATTERSON,
Speaker of the House of Representatives.
THOS. RINGLAND,
Speaker of the Senate.

APPROVED—The eighteenth day of February, one thousand eight hundred and thirty-four.

GEO. WOLF.

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A SUPPLEMENT

TO THE ACT FOR INCORPORATING THE "PORTSMOUTH AND LANCASTER RAIL ROAD COMPANY."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Portsmouth and Lancaster Rail-road Company, to make and construct a continuation, or extension of the rail-road authorized by the act to which this is a supplement, commencing at the termination of the said rail-road at Portsmouth, and extending by one or more tracks, to a convenient point in the borough of Harrisburg.

Right to extend the road to Harrisburg

SEC. 2. *And be it further enacted by the authority aforesaid,* That in locating, constructing and maintaining the continuation of the said rail-road hereby authorized, all such provisions of the act to which this is a supplement, as are applicable to the said continuation thereof, be and the same are hereby extended to the same, as fully and effectually as if they were herein enacted at length.

Provisions of the act of Incorporat'n extended and confirmed.

SEC. 3. *And be it further enacted by the authority aforesaid,* The provisions of the eighty-ninth section of the act to which this is a supplement, shall not be so construed as to reserve to the legislature the right to reduce the tolls which may be charged by the said company, below the limit imposed by the eighty-second section of the same act; and that the same tolls may be charged on the continuation of the said rail-road hereby authorized, as are provided for by the latter section; and that the said tolls may be charged, as soon as five miles of the said rail-road shall be completed.

89th sec. explained.

When tolls may be demanded.

SEC. 4. *And be it further enacted by the authority aforesaid,* If any person or persons shall wilfully and maliciously burn, break, cut, throw down, or destroy the whole, or any part of any water-station, locomotive engine,

Wanton or malicious in-

stationary engine, engine-house or other building, machinery, rope, sheeve, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, switch, turning-platform, block, wall, bridge, culvert, drain or bank, belonging to the Portsmouth and Lancaster Rail-road Company, or used by the said company on or about the said rail-road, or any part thereof, or stop up or obstruct the said rail-road or any part thereof, or any engine, machinery, rope, sheeve, switch, turning-platform, culvert, drain, conduit-pipe, water-station or well, belonging to the said company, such person or persons shall for every such offence, pay all the damage arising from such burning, breaking, cutting, throwing down, stopping or destroying; and shall likewise, on conviction thereof, before the court of Quarter Sessions of the proper county, be sentenced to imprisonment at hard labour, for a term not exceeding two years, in the jail of the proper county, or in one of the Penitentiaries of the state, at the discretion of the court, before whom the conviction may be had.

Injury and destruction of road, works, &c. to be punished.

Penalty.

Sec. 5. *And be it further enacted by the authority aforesaid*, If any person shall wantonly open or shut, or cause to be opened or shut, any part of a locomotive engine, stationary engine, switch, turning-platform or machinery, upon, or belonging to the said rail-road, or put such engine, machinery, or rope in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges, into any part of the said rail-road, or into any engine, machinery, switch, turning-platform, or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall or timber work, on or about the said rail-road, or any bridge or place made for crossing the same, such person or persons shall, for every offence, forfeit any sum not exceeding two hundred dollars, and pay all damages consequent upon such offence, and shall likewise, on conviction thereof before the court of Quarter Sessions of the proper county, be sentenced to

Wantonly meddling with or deranging any of the works.

Penalty.

imprisonment, in the jail of the county where such offence may be committed, at the discretion of the court before whom a conviction shall be had, for a term not exceeding six calendar months.

No horses, carriages, teams, &c. to travel on the road.

Obstructions.

Penalty.

Sec. 6. *And be it further enacted by the authority aforesaid*, If any person shall wilfully lead or drive, or cause to be led or driven, any horse, ox, ass or mule, hauling any stone or timber, or hauling any sled, sleigh, wagon, cart, dray, or any other thing whatsoever, except rail-road cars, along or over the said rail-road, or over any bank, wall, side-way, turning-platform or fixture thereof, except at a bridge or place constructed for crossing the said rail-road; or if any person shall wilfully obstruct the perfect and free use of the said rail-road, by placing any timber, stone, earth, or any other thing, whatever, on it or on any side-way or fixture, belonging to said rail-road, such person shall forfeit and pay for every such offence any sum not exceeding one hundred dollars, and pay all damages consequent upon such offence, and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the discretion and upon the warrant of the court, before whom such conviction shall be had.

No horses, sheep, swine, &c. to be driven on the road.

Penalty.

Sec. 7. *And be it further enacted by the authority aforesaid*, Every person who shall wilfully ride, lead or drive any horse, ass or mule, or who shall wilfully lead or drive any ox, sheep, swine, or other cattle, upon the said rail-road, or upon any of the banks or side-ways of the same, except for the purpose of hauling rail-road cars thereon, or for the purpose of conveying articles to or from the sides of the said rail-road, to be transported thereon, or delivering at their place of destination, shall forfeit and pay for each offence, a sum not exceeding twenty-five dollars, and pay all damages consequent upon such offence, over and

above the said forfeiture; and in case of default in the immediate payment of each forfeiture and damages, upon conviction, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding fourteen days, at the discretion of the court, before whom such conviction shall be had.

No building, platform, side-way, &c. without permission from company.

SEC. 8. *And be it further enacted by the authority aforesaid*, No person shall construct any building, wharf, platform, switch, side-way, lateral rail-road, or crossing-place, or make and apply any device whatever, on the ground set apart for, or belonging to, or forming any part of the said rail-road, or on the banks or excavations thereof, without first obtaining permission therefor, from the president and directors of the said company; and if any person shall offend against this section, by commencing or making any such construction, or apply such device without such permission, or shall not conform to the directions of the president and directors of the said company, or their authorized agents, in respect to the location and size of such building, wharf or platform, switch, or side-way, lateral rail-road, crossing place or device, as aforesaid, such person shall forfeit for such offence, a sum not exceeding one thousand dollars; and the president and directors of the said company, or any engineer, superintendent, or other agent, shall be authorized, at the expense of the person thus attempting, to remove and destroy every such building, wharf, platform, switch, side-way, lateral rail-road, crossing place or device, as aforesaid.

Penalty.

By-laws regulating engines, tenders, cars, tolls, &c.

SEC. 9. *And be it further enacted by the authority aforesaid*, The president and directors of the said rail-road company shall have power, from time to time, to make such rules and regulations, not inconsistent with the laws of this state, in respect to the form, size and structure of locomotive engines, tenders and cars, used on the said rail-road, the weighing and inspection of engines, tenders and cars, and their lading, the collection of the tolls authorized by this act, and by the act to which this is a supplement,

and in respect to all matters connected with the use and preservation of the said rail-road, and impose such fines and penalties for the breach of such rules and regulations, as they may think reasonable: *Provided*, That no fine or penalty so imposed, shall for a single offence, exceed the sum of twenty-five dollars.

Proviso.

Sec. 10. *And be it further enacted by the authority aforesaid*, All penalties and forfeitures created by this act, or by the rules and regulations which may be established in conformity with the ninth section thereof, shall be for the use of the Portsmouth and Lancaster Rail-road Company, and shall be sued for and recovered, in the name and for the use of the said company, as debts of equal amount are by law recoverable; or, in cases of offences against the seventh and eighth sections of this act, or against the rules and regulations which may be established, in conformity with the ninth section thereof, by summary conviction before a justice of the peace, of the county where the offence was committed, or where the defendant may be found, who shall have power in all cases where the said penalties and forfeitures are made discretionary, to fix the amount thereof; and the amount of such penalties and forfeitures, when recovered, shall be paid to the treasurer of the said company: *Provided*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition to the next court of Quarter Sessions, on entering into a recognizance, with one or more sufficient sureties in a reasonable amount, conditioned for the appearance of the defendant at the said court, to prosecute his appeal, and the said court shall take such order thereon, as to them shall appear just and reasonable, and the same shall be conclusive.

All penalties and forfeitures to be for the use and benefit of the company.

How recoverable.

Proviso.

Sec. 11. *And be it further enacted by the authority aforesaid*, The president and directors of the said rail-road company shall have power, for the purpose of conducting water from any contiguous streams to their necessary en-

Right to enter lands on

gine and water-stations, to enter on and occupy, not exceeding one rood in width, of any adjacent lands, through which it may be necessary to conduct the water they may require; and also, to enter on and occupy, not exceeding two acres of land at any one point where they may deem it necessary, to erect engine-houses, water-stations, stables, shops, reservoirs, or other necessary buildings; and also, to enter upon any land contiguous to the said rail-road, to dig for, get, and carry away, and use all such stone, gravel, clay, or other materials, as may be necessary and proper, in their opinion, to repair the said rail-road, or any part thereof; and if the said president and directors, and the owner of the land cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to the said land, by such entry or occupation, the same shall be assessed under the provisions of the seventy-ninth and eightieth sections of the act to which this is a supplement.

Which to erect buildings, convey water, take materials, &c.

SECT. 12. *And be it further enacted by the authority aforesaid,* The said president and managers shall be compelled to commence operations at the borough of Harrisburg, at the same time that the making of the said road is commenced at any other point, and complete said extension with the same expedition that any other part is completed: or on neglect or failure so to do, all the authority, rights and privileges hereby granted by this act, shall be forfeited, at the expiration of two years from its passage, and the same be null and void.

Operations to commence at Harrisburg.

SEC. 13. *And be it further enacted by the authority aforesaid,* The word "Mountjoy," in the seventy-seventh section of the act to which this is a supplement, shall be construed to mean, the *town of Mountjoy*, in the county of Lancaster.

Mountjoy explained.

SEC. 14. *And be it further enacted by the authority aforesaid,* From and after the passage of this act, the style of the said corporation shall be, "THE HARRISBURG,

Title changed.

PORTSMOUTH, MOUNTJOY AND LANCASTER RAIL-ROAD COMPANY."

JAMES THOMPSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and thirty-five.

GEO. WOLF.

SECRETARY'S OFFICE, *Harrisburgh, March* 21, 1835.

THIS is to certify, that the above and foregoing is a true copy from the original Law on file and of record in said Office. Witness my hand and seal of office, the day and year aforesaid.

JAMES TRIMBLE, *Deputy Secretary.*

AN ACT

RELATIVE TO THE HARRISBURG, PORTSMOUTH, MOUNTJOY AND LANCASTER RAIL-ROAD COMPANY, AND FOR OTHER PURPOSES.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the quantity of land which may be owned by the Harrisburg, Portsmouth, Mountjoy and Lancaster Rail-road Company, shall not exceed ten acres in any one body, any law heretofore passed to the contrary notwithstanding. *Provided*, That nothing herein contained shall authorize the said Company to enter upon, or acquire title to any quantity of land, beyond the amount now permitted by existing laws, without the consent of the owner or owners thereof first had and obtained, and that the directors of the said Company are hereby authorized to sell, at such time and in such manner as they may believe conducive to the interests of the Company, the four thousand shares of stock authorized by law, and which remain unsold.

SECRETARY'S OFFICE,
Harrisburg, *April* 1*st*, 1837.

This is to certify, that the above is a true and correct copy of the first section of the act, entitled "An Act relative to the Harrisburg, Portsmouth, Mounjoy, and Lancaster Rail-road Company, and for other purposes," passed the thirty-first day of March, one thousand eight hundred and thirty-seven, on file in this office. Witness my hand and the seal of the said office, the day and year aforesaid.

J. WALLACE,
Deputy Secretary.

EXTRACT

FROM AN ACT TO INCORPORATE THE ATHENS AND ITHICA RAIL-ROAD COMPANY, AND FOR OTHER PURPOSES.

SEC. 80. That the Harrisburg, Portsmouth, Mountjoy, and Lancaster Rail-road Company, shall have authority to create an additional number of shares of stock, to the amount of four hundred thousand dollars, for the purpose of completing said road and of adding an additional track, and shall have authority to negotiate a loan or loans, by pledging their capital stock, or the tolls and profits of the company, or in such way or manner as a meeting of the stockholders shall determine.

SECRETARY'S OFFICE,
Harrisburg, April 2d, 1838.

This is to certify, that the above and foregoing is a true extract, being the eightieth section of an act of the General Assembly, passed the 17th day of March last, entitled "An Act to incorporate the Athens and Ithica Rail-road Comny, and for other purposes," now on file in this office. Witness my hand and seal of office, the day and year aforesaid.

J. WALLACE,
Deputy Secretary.